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Name: Mary Chow
Yu/04 Signature [Signature] Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fernandez, et al.
Assignee: Individually Held
Title: "Integrated Network for Monitoring Remote Objects"
Serial No.: 09/823,509 Filed: 03/29/2001
Examiner: Allen R. MacDonald Group Art Unit: 2600
Attorney Docket No.: FERN-P001C

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COMMISSIONER OF PATENTS
P.O. Box 1450
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**SUPPLEMENT TO PETITION TO MAKE SPECIAL BECAUSE OF
APPLICATION RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS
WHO ARE SMALL ENTITY
(37 CFR 1.102 and MPEP § 708.02)**

Applicants hereby submit this supplement to the application to make special because of special status for applications relating to biotechnology filed by Applicant who is a Small Entity.

1. Accompanying Material:

Accompanying this petition is:

- (1) A Supplement to the petition to make special that was filed on 09/16/03.

(2) Fee

No Fee is required as the initial petition to make special fee was paid on 09/16/03.

The Commission is hereby authorized to charge any additional fees, which may be required, or credit any payment to Deposit Account 500482.

(2) A return postcard.

It is respectfully requested that the attached postcard be stamped with the receipt date of the above documents and returned to the addressee as soon as possible.

A duplicate of this petition is attached.

Respectfully Submitted,



Dennis Fernandez

Reg. No. 34,160



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RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS WHO ARE SMALL
ENTITY
(37 CFR 1.102 and MPEP § 708.02)**

This request for reconsideration responds to the Decision on Petition to Make Special mailed on 12/18/2003, wherein Examiner denies the petition to make special under MPEP § 708.02 XII: Special Status for Applications Relating to Biotechnology Filed by Applicants who are Small Entities.


The petition denial states that “an invention that relates to a communications method between care-givers and patients and a telemedicine system that enables remote care, is not considered to fall within the scope of applications relating to Biotechnology.” However, the sensors and network are not simply a communications method. In addition, biotechnology applies to more than just “biology and the use of microorganisms,” since it also pertains to the convergence of engineering and technology to the life sciences, such as biosensors, bioinformatics, biochips, etc.

Detectors and sensors are used interchangeably (page 6, line 7) and are comprehensively defined to include biochips and biosensors (page 7, lines 1-4). A key purpose of the invention is to be implemented in “non-imaging physical sensor manner,” such as monitoring “mental activity, medication level, and other similarly monitorable information and signals” (page 7, lines 10-15). An example of measuring mental activity could be carried out specifically by the detectors 3 by assessing the neurological activity through neurotransmitter concentrations. Similarly medication levels would be detected and monitored using biosensors, measuring cellular-pharmaceutical interactions and uptake. “Similarly monitorable information” broadly applies to other biological measurements, such as insulin levels and blood sugar levels, hormonal activity, tumor cell proliferation, etc. It would be impracticable and overly burdensome to enumerate the full scope of the invention’s biotechnological purposes in the specifications. Instead the use of biosensors and biochips for general-purpose biotechnological monitoring were deliberately implied within the invention’s scope.

The biotechnological application is paramount to the objective of the “integrated network for monitoring remote objects,” as using the sensors and network for biological monitoring and maintenance can substantially expedite the state of the healthcare system. It is of no

consequence that other applications are given as examples; the invention substantially relates to the biotechnological field and biotechnological monitoring. Broad biological and medical usages were enumerated for practical purposes, preventing a list and explanation of every possible biotechnological usage. Thus biotechnological objectives are principal to the purpose of the "integrated network for monitoring remote objects." In light of the foregoing arguments, Applicants respectfully requests reconsideration.

Respectfully Submitted,


Dennis Hernandez
Reg. No. 34,160